

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

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STEHLE HARRIS and DAVID ELLIOT, individually and on behalf of all others similarly situated,	)
	) Civil Action No. 2:20-cv-02202
	) (MCA)(MAH)
Plaintiffs,	)
v.	) Honorable Madeline Cox Arleo
	) United States District Judge
EVONIK CORPORATION, PRESIDENT OF EVONIK CORPORATION, BOARD OF DIRECTORS OF EVONIK CORPORATION, EVONIK INVESTMENT COMMITTEE, and JOHN DOES 1-30.	)
	) Honorable Michael A. Hammer
	) United States Magistrate Judge
	) CLASS ACTION
Defendants.	)
	)

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**JOINT STIPULATION AND ORDER  
TO MODIFY THE PRETRIAL SCHEDULING ORDER**

Now into Court, through undersigned counsel, come Plaintiffs Stehle Harris and David Elliot ("Plaintiffs"), and Defendants Evonik Corporation, President of Evonik Corporation, Board of Directors of Evonik Corporation, and the Evonik Investment Committee (collectively referred to as "Defendants"), who stipulate and agree as follows:

1. The Court entered a Pretrial Scheduling Order on March 5, 2021. See ECF No. 31.
2. The Court modified the Pretrial Scheduling Order on July 14, 2021 to reset the deadline for filing Plaintiffs' Motion for Class Certification from August 2, 2021 to August 2, 2022, for Defendants' Opposition to the Motion from September 16, 2021 to September 16, 2022, and for Plaintiffs' Reply in Support of the Motion from October 7, 2021 to October 7, 2022. See ECF No. 38 at ¶ 3.

3. Plaintiffs filed an Amended Complaint on December 7, 2021, adding Plaintiffs Stehle Harris and David S. Elliot and dismissing former Plaintiff Daniel Silva. *See* ECF No. 46.
4. Plaintiffs filed a motion to remove Rhonda Allen as a Named Plaintiff pursuant to Federal Rule of Civil Procedure 21 on February 9, 2022. *See* ECF No. 49.
5. The Parties have been diligently and collaboratively pursuing discovery. Despite their best efforts, the Parties agree that they will require additional time to complete fact discovery on this matter.
  - a. Both sides have propounded written discovery and responses have either been served or will soon be served.
  - b. Based on the Parties' negotiations regarding custodians and search terms for email discovery, Defendants have produced over 38,000 pages of the most vital case documents and are currently analyzing and/or reviewing an additional 300 potentially privileged documents.
  - c. Upon the filing of Plaintiffs' Amended Complaint, Defendants promptly began collecting from the Plan's service providers responsive documents and information specific to the newly-added Named Plaintiffs, such as call records and Plan account information. Such collections typically take a minimum of eight weeks, however, thus responsive materials will not be available to Defendants until mid-February 2022 at the earliest. Defendants will then need to review and produce the information to Plaintiffs prior to taking Plaintiffs' depositions.

- d. The parties are working to schedule depositions of the Named Plaintiffs (after the production of the data referenced in 3(c) is collected), a 30(b)(6) deposition, and additional fact depositions of certain Defendants.
6. Despite their best efforts, the Parties agree that they will require additional time to complete fact discovery on this matter.
7. The Parties met and conferred and agreed upon the following revisions to the current schedule, *see ECF No. 41*, as follows:

*March 7, 2022*

- Deadline to Serve Written Discovery: ~~May 3, 2022~~
- Deadline to Submit Fact Discovery Disputes to the Court: ~~June 17, 2022~~ *May 16, 2022*
- Advise Court if Expert Disclosure Extension Will Be Sought in Light of *Boley TBD at v. Universal Health Services, Inc., et al.*, No. 21-8014 (3d Cir.); ~~July 14, 2022~~ *next conference*
- Fact Discovery Closes: ~~August 16, 2022~~ *June 30, 2022*
- Expert Reports Exchanged: ~~September 15, 2022~~ *August 1, 2022*
- Responsive Expert Reports Exchanged: ~~October 18, 2022~~ *September 1, 2022*
- Expert Discovery Closes: ~~November 15, 2022~~ *October 7, 2022*
- Class Certification Brief Due: ~~December 19, 2022~~ *November 7, 2022*
- Opposition to Class Certification Due: ~~January 31, 2022~~ *December 19, 2022*
- Reply in Support of Class Certification Due: ~~February 21, 2022~~ *January 9, 2023*

AGREED TO BY: +1/c May 31, 2022, To join the call, Counsel shall  
**CAPOZZI ADLER** *JACKSON LEWIS P.C.* dial (-888-684-8852  
*and access code 1456817#.*

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\*Admitted Pro Hac Vice.

**SO ORDERED**

s/Michael A. Hammer  
Michael A. Hammer, U.S.M.J.

Date: 2/10/22